

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

Jopiske 119311

FILE:

DATE: August 25, 1982

E-207124

MATTER OF:

Ridg-U-Rak, Inc.

DIGEST:

Agency properly canceled IFB and resolicited requirement where IFB statement of quantities of shelving required was unclear and Government is unable to adequately evaluate bids.

Ridg-U-Rak, Inc. protests cancellation of Invitation for Bids (IFB) F04700-82-B-0051 by the Air Force Flight Test Center, resolicitation of the Air Force's requirement under Invitation for Bids (second IFB) F04700-82-B-0084, and award under the second IFB to Advance Engineering Company. According to the Air Force, IFB-0051, which called for various quantities of warehouse shelving material, was canceled after bid opening because it did not clearly state its requirements, an error which the Air Force believes led some offerors to overprice their bids. The protester contends that no one should have been misled by the first IFB; that it was entitled to award because its bid was low, and that the Air Force, by resoliciting its requirement, in effect had conducted an auction.

We deny the protest.

First, we point out that a defect in a solicitation such as an ambiguity in a solicitation which may mislead offerors denies the Government the benefit of full competition, and thus, provides a cogent and compelling reason for cancellation, Man Barrier Corporation, B-197208, August 5, 1980, 80-2 CPD 88. The sole question for consideration, therefore, is whether there was a legitimate basis for the Air Force's conclusion that an ambiguity in its solicitation affected the bidding process.

The defect in question concerns an alleged ambiguity in line items 2, 6, and 9 of the first IFB. In each instance, the IFB called for a three-piece set of shelves to cover a nine foot span and requested a unit price for each item. For example, quoting from line item 2, the schedule is as follows:

<u>Supplies/Services</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>
"Flat Deck Panel shelves, three piece, designed for use with Republic Steel Corp. Beams (pr) PN 820040. Shelves constructed of 22 gauge steel 36"Wx 44"D, 3 piece set to cover 9' span, Republic Steel or equal."	591	Ea.	\$

The Air Force meant to require bids on 197 three-piece sets (591 individual pieces). Because the schedule refers to 591 three-piece sets, however, it could not tell with certainty from offerors' schedules whether pricing was based on 591 pieces or 591 sets.

As the Air Force points out, pricing for shelving varied considerably, with higher unit prices being approximately three times the lower prices bid. A bid submitted by United Steel Products, for example, quoted shelf prices which are out of line with prices quoted by Ridg-U-Rak.

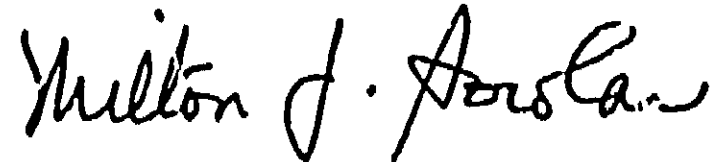
The Air Force evaluated bids by multiplying each line item by the number of individual items needed (i.e., individual shelves). Ridg-U-Rak says it bid on that basis. If, however, United Steel's bid is evaluated as offering a unit price for 3-shelf sets rather than for individual shelves, its bid (for partial quantities, e.g., 197 three-piece sets for item 2) meets the Air Force's actual needs at a lower overall price than does Ridg-U-Rak's bid.

We recognize that it is possible, as the protester contends, that some offerors discovered the ambiguity. Assuming that the Government was seeking only complete units, the quantities stated in line items 2, 6 and 9 should have corresponded with the quantities of other

parts listed in other line items. The protester says it analyzed the IFB in this way and confirmed its understanding with the Air Force.

If Ridg-U-Rak knew of the deficiency in the solicitation prior to bid opening, it should have specifically brought the deficiency to the Air Force's attention. The fact that the protester correctly analyzed the Government's intent does not, however, alter the fact that others apparently did not do so. In the circumstances, the Government found itself unable to evaluate bids, and consequently, unable to obtain the benefit of full competition without recompetiting its requirement.

The protest is denied.



Acting Comptroller General  
of the United States